

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re the matter of Trademark Application

Serial No. : 76/418739
Publication Date : February 3, 2004
Mark : MACUVITE

Bausch & Lomb Incorporated)	
)	
Opposer,)	Opposition No.: 91161619
)	
vs.)	ANSWER TO NOTICE OF OPPOSITION
)	
National Vitamin Company, Inc.)	
)	
Applicant.)	
)	
)	

National Vitamin Company, Inc. responds to the Notice Of Opposition of Bausch & Lomb Incorporated as follows:

1. Answering paragraph 1 of the Notice of Opposition, applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and, on that basis, denies each and every allegation contained therein.

2. Answering paragraph 2 of the Notice of Opposition, applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said

paragraph, and on that basis, denies each and every allegation contained therein.

3. Answering paragraph 3 of the Notice of Opposition, applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and, on that basis, denies each and every allegation contained therein.

4. Answering paragraph 4 of the Notice of Opposition, applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and, on that basis, denies each and every allegation contained therein.

5. Answering paragraph 5 of the Notice of Opposition, applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and, on that basis, denies each and every allegation contained therein.

6. Answering paragraph 6 of the Notice of Opposition, applicant admits said allegations.


7. Answering paragraph 7 of the Notice of Opposition, applicant admits said allegations.

8. Answering paragraph 8 of the Notice of Opposition, applicant denies said allegations.

9. Answering paragraph 9 of the Notice of Opposition, applicant denies said allegations.

WHEREFORE, applicant prays that said opposition be rejected and dismissed and that applicant's registration be issued thereupon to applicant.

Dated: September 13, 2004 LERNER & VEIT, P.C.

By: 
Russell F. Rowen
Attorneys for Applicant
National Vitamin Company, Inc.
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San Francisco, California 94111
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Federal Express Tracking Number: 8457 1980 4789

Date of Deposit: September 13, 2004

I hereby certify that this paper is being deposited with
Federal Express on the date indicated above and is addressed to:

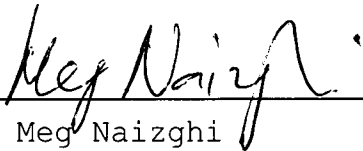
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Signature: Meg Naizghi
Type Name: Meg Naizghi
Date: September 13, 2004

CERTIFICATE OF SERVICE

I further certify that a copy of the attached Answer To Notice Of Opposition has been served this 13th day of September, 2004 by first class mail, postage prepaid, on Opposer's representative:

**Jon O. Webster, Esq.
Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester, NY 14604-2701**


Meg Naizghi

LAW OFFICES
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RUSSELL F. ROWEN
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September 13, 2004

VIA FEDERAL EXPRESS

Commissioner for Trademarks
2900 Crystal Drive
Arlington VA 22202-3514

Re: Mark: MACUVITE
Serial No.: 76/418739
Opposition No.: 91161619
Our File No.: 2189.151

Dear Commissioner:

Enclosed is an original and a copy of National Vitamin Company, Inc.'s Answer to Notice of Opposition and a self addressed stamped envelope.

Thank you.

Yours very truly,

LERNER & VEIT, P.C.

By


Russell F. Rowen

RFR/mn
Enclosures



09-15-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #64